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May 10, 2015

Aloke Chakravarty
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Assistant U.S. Attorneys
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

Re: United States v. Dzhokhar Tsarnaev
Criminal No. 13-10200- GAO

Dear Counsel:

Last Thursday, we requested by letter that you provide us with (a) the number of instances where a U.S. Attorney's request to renew a SAMs has been overruled or otherwise declined, and (b) the details regarding breaches or attempted breaches Michelle Nicolet would be referring to in her rebuttal testimony, what measures were taken to insure no similar breaches would occur, and any disciplinary actions taken against an inmate for a SAMs breach. We have not received any response. Last night's letter confirming that SAMs breaches is one of the subjects of Ms. Nicolet's proposed rebuttal testimony makes this information indispensable. Please provide the discovery at your earliest opportunity.

In addition, we request the following discovery in regard to specific points in Ms. Nicolet's and Mr. Oliver's proposed rebuttal testimony:

- **In the past five years, SAMs restrictions on at least nine ADX inmates convicted of terrorism charges have been removed.**

We request the names and offenses of conviction for the nine terrorism inmates referred to in this sentence, and the year in which the SAMs were removed from the convict. Please clarify whether as to each all SAMs restrictions were removed, or whether only part of the SAMs was removed, leaving in place the remaining restrictions.

Please provide the unit each inmate is presently housed in at ADX or, if applicable, in what other facility they are presently housed.

- **Of the seven terrorism convicts under SAMs placed in the ADX H Unit when it was first activated in 2002, only three remain in H Unit, and at least one is no longer at ADX.**

We request the names and offenses of conviction for the seven terrorism convicts referred to in this sentence, and the year in which the SAMs were lifted from each convict. For the three that remain at Florence ADX, please provide the unit they are presently in and, if applicable, which phase of the ADX step-down program they are in.

Please indicate, as to each member of the group of 7 originally placed in H-unit who is no longer located there, whether the non-renewal of the SAMs for that inmate and/or his movement out of H-unit occurred over the objection or nonconcurrence of the FBI (or other responsible law enforcement agency, if applicable), or of the U.S Attorney.

Additionally, please provide the total number of times where renewal of SAMs was requested or recommended to the Attorney General, Assistant Attorney General, or his designee since 2002, along with the total number of times SAMs were actually renewed after that request or recommendation.

Finally, we request that you provide the number of former SAMs inmates serving life sentences for terrorism-related offenses who have been transferred from ADX to another BOP institution despite having been designated as subject to the Central Inmate Monitoring (CIM) system, *See* 28 CFR § 524.70 et seq. As to each such former SAMs inmate who was or is subject to the CIM system, please indicate whether the Broad Publicity (§ 524.72(c)) and/or Special Supervision (§ 524.72(g)) categories were applicable, and whether his transfer from ADX occurred despite such CIM designation.

Thank you for your prompt attention to these requests. Please feel free to contact us with any questions.

Sincerely,

/s/ Timothy G. Watkins

David I. Bruck
Judy Clarke
Miriam Conrad
William Fick
Timothy Watkins

Counsel for Dzhokhar Tsarnaev